

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Greenbelt Division)**

---

THE CHESAPEAKE BAY FOUNDATION,  
INC., *et al.*

Plaintiffs and Counterclaim Defendants,

v.

WEYERHAEUSER COMPANY formerly d/b/a  
TRUS JOIST MACMILLAN, *et al.*

Defendants and Counterclaim Plaintiffs.

---

WEYERHAEUSER COMPANY formerly d/b/a  
TRUS JOIST MACMILLAN, *et al.*

Third Party Plaintiffs,

v.

PERMAPOST PRODUCTS CO.

Third Party Defendant.

---

Case No. 8:11-cv-00047-PWG

**NOTICE OF FOURTH CIRCUIT ORDER DENYING RECONSIDERATION  
OF COSTS AWARD TO PLAINTIFFS**

Plaintiff Clark Construction Group, LLC (“Clark”) hereby respectfully submits notice to this Court that on November 3, 2014, the United States Court of Appeals for the Fourth Circuit (“Fourth Circuit”) issued an order denying the motion of Defendants Weyerhaeuser Company and Weyerhaeuser NR Company (“Weyerhaeuser”) to reconsider the Fourth Circuit’s award of costs on appeal to Clark, The Chesapeake Bay Foundation, and SmithGroup, Inc. d/b/a KCF-SHG Incorporated (collectively, “Plaintiffs”).

A copy of the Fourth Circuit’s November 3 order denying Weyerhaeuser’s motion for

reconsideration of Plaintiffs' costs award is attached hereto as Exhibit A. The order ruled on Weyerhaeuser's Request for Clarification of Taxation of Bill of Costs ("Request for Clarification"), which the Fourth Circuit treated as a motion for reconsideration. Weyerhaeuser attached a copy of its Request for Clarification as Exhibit C to its Opposition to Plaintiffs' Bill of Costs (Dkt. 129), filed on September 19, 2014.

November 6, 2014

Respectfully submitted,

/s/

Michael Evan Jaffe (USDC MD Bar No. 06694)  
Cynthia Cook Robertson (USDC MD Bar No. 18083)  
[michael.jaffe@pillsburylaw.com](mailto:michael.jaffe@pillsburylaw.com)  
[cynthia.robertson@pillsburylaw.com](mailto:cynthia.robertson@pillsburylaw.com)  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1122  
Telephone: (202) 663-8068  
Facsimile: (202) 663-8007  
*Counsel for Clark Construction Group, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of November 2014, I caused the foregoing to be filed on the court's CM/ECF system, which will automatically send copies to all counsel of record in this case:

Robert P. O'Brien, Esq.  
Craig D. Roswell, Esq.  
Tracy L. Steedman, Esq.  
Niles, Barton & Wilmer, LLP  
111 S. Calvert Street, Suite 1400  
Baltimore, Maryland 21202  
*Counsel for Weyerhaeuser Company and Weyerhaeuser NR Company*

Matthew T. Angotti, Esq.  
Cullen B. Casey, Esq.  
Anderson, Coe & King, LLP  
Seven Saint Paul Street, Suite 1600  
Baltimore, Maryland 21202-1653  
*Counsel for Permapost Products Co.*

/s/  
Michael Evan Jaffe (USDC MD Bar No. 06694)